

a). Remarks

In the outstanding Office Action, the Examiner required that Applicants elect for prosecution one of the inventions of:

Group I (Claim 3), drawn to a protein having the amino acid sequence represented by SEQ ID NO: 1 complementing low temperature sensitive fermentability;

Group II (Claims 4-9 and 11-13), drawn to yeast having the gene encoding low temperature sensitive fermentability inactivated, dough containing said yeast, and process of making bread; or

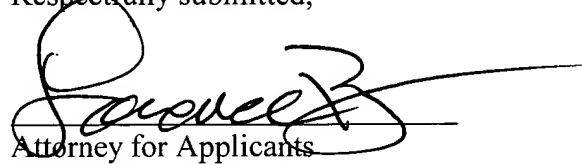
Group III (Claims 10 and 14) drawn to a process for producing ethanol by yeast having the gene encoding low temperature sensitive fermentability inactivated.

In response, Applicants hereby elect to prosecute the invention of Group II, namely Claims 4-9 and 11-13. However, Applicants wish to point out to the Examiner the Commissioner's Official Gazette Notice of March 4, 1996 "Guidance on Treatment of Product and Process Claims" which addresses the issue of processes "limited to making or using a nonobvious product" and stated that claims to the nonelected process should be rejoined when a product claim is found allowable and the withdrawn process contains all the limitations of an allowed product claim.

Entry hereof is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lawrence S. Perry', is written over a horizontal line.

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